

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 AUG -4 PM 4: 20

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CHIEF CLERKS OFFICE

Protecting Texas by Reducing and Preventing Pollution

August 4, 2008

The Honorable William G. Newchurch
State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, Texas 78701-1649

Re: Chester Hermes
TCEQ Docket No. 2007-0452-MSW-E
SOAH Docket No. 582-08-0163

Judge Kilgore,

Enclosed please find the Executive Director's Statement Supporting the Proposed Order issued by you in this case on July 15, 2008.

Sincerely,

A handwritten signature in black ink, appearing to read "Barham A. Richard".

Barham A. Richard, Attorney
Litigation Division

cc: Chester Hermes, 10598 U.S. Highway 87 South, Adkins, Texas 78101
Cynthia McKaughan, Enforcement Division, TCEQ, MC 128
Blas Coy, Public Interest Counsel, TCEQ, MC 103

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SOAH DOCKET NO. 582-08-0452
TCEQ DOCKET NO. 2007-0452-MSW-E

CHIEF CLERKS OFFICE

IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST
CHESTER HERMES;
RN105224695

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§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**EXECUTIVE DIRECTOR'S STATEMENT SUPPORTING THE ADMINISTRATIVE
LAW JUDGE'S PROPOSED ORDER**

NOW COMES the Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") and hereby files this Statement Supporting the Administrative Law Judge's Proposal for Decision, pursuant to 30 TEX. ADMIN. CODE § 80.257.

The Executive Director agrees with and supports the adoption of all of the Administrative Law Judge's ("ALJ") Findings of Fact and Conclusions of Law.

Respectfully submitted,

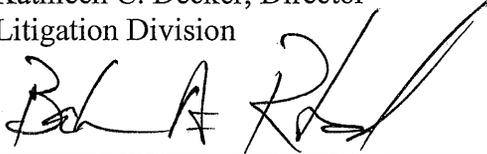
Texas Commission on Environmental Quality

Mark Vickery, PG
Executive Director

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Kathleen C. Decker, Director
Litigation Division

by


Barham A. Richard
State Bar of Texas No. 24056201
Litigation Division, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-0107
(512) 239-3434 (FAX)

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of August, 2008, the original and 12 copies of the foregoing "Executive Director's Proposed Modifications to the Administrative Law Judge's Proposed Order" ("Proposed Modifications") were filed with the Chief Clerk, Texas Commission on Environmental Quality, Austin, Texas.

I further certify that on this day a true and correct copy of the foregoing Proposed Modifications were sent to the following:

Via Inter-Agency Mail
Via Facsimile to (512) 475-4994
The Honorable William G. Newchurch
State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, Texas 78701-1649

Via First Class Mail, Postage Prepaid.
Via Certified Mail, Return Receipt Requested, Article Number 91 7108 2133 3935 1892 5921
Mr. Chester Hermes
10598 U.S. Highway 87 South
Adkins, Texas 78101

Via Intra Agency Mail
Blas Coy, TCEQ Public Interest Counsel, MC 103
Les Trobman, TCEQ Office of the General Counsel, MC 101


Barham A. Richard, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

CHIEF CLERKS OFFICE
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY